

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MELISSA SETTLEMYER,)	
)	
Plaintiff)	
)	CIVIL ACTION NO. 11-150-J
v.)	
)	JUDGE DIAMOND
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	[Filed Via ECF]

THE COMMISSIONER'S RESPONSE TO PLAINTIFF'S
PETITION FOR ATTORNEY'S FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT

The Commissioner does not object to the requested amount of attorney fees under the Equal Access to Justice Act (EAJA). More specifically, the Commissioner does not oppose payment of attorney fees. Plaintiff has produced an assignment indicating that, as the prevailing party, he has assigned his right to attorney fees to his counsel. However, to accurately reflect the EAJA payee herein, the Commissioner requests that the Court enter the attached unopposed Order directing that attorney fees be paid directly to Plaintiff.

If the Court approves the unopposed Order, the Commissioner will determine whether Plaintiff has any outstanding federal debt to be offset from the attorney fees. If Plaintiff has no outstanding federal debt, the Commissioner will honor Plaintiff's assignment of attorney fees to counsel and make the check payable to Plaintiff's counsel. However, if Plaintiff has outstanding federal debt, the Commissioner will make the check payable to

Plaintiff directly and deliver the check to the business address of Plaintiff's counsel. The amount of attorney fees payable to Plaintiff will be the balance of attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt. If Plaintiff's outstanding federal debt exceeds the amount of attorney fees approved pursuant to the Order, the amount of the attorney fees will be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

July 23, 2012

s/ Stephanie L. Haines
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